

**NR 411 Indirect Source Rule Revisions
Draft Stakeholder Session Summary
Facilities Construction
September 7, 2006**

Attendees: Pat Stevens, Dwight McComb, Jim Boullion, Larry Bruss, Mike Friedlander, Pat Trainer

Item: Purpose of Meeting (Bruss)

Keypoints:

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| <ul style="list-style-type: none">• To collect stakeholder input on potential emission reduction options during the construction phase of new indirect sources.• Stakeholders request clear explanation of targeted emissions by rule change• Broaden stakeholder representation to include Wisconsin Builder's Association |
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Outcomes/Follow-up:

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| <ul style="list-style-type: none">✓ WDNR will work with Public Information Officer to develop Website and put all NR 411 Rule Revision material on web |
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Item: Meeting Summary Related to Heavy Duty Diesel Control Options

Keypoints:

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| <ul style="list-style-type: none">• Stakeholder seek clarification on how proposed 50 truck trip criteria applies to the following situations:
Asphalt Plants and Construction Sites• Stakeholders request clarification on facility definition, are new manufacturing sites included? Average vs. peak period traffic? Incremental Growth Provisions? Will new Highway Rest Stops and Bus Terminals be affected by proposed rule? |
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Outcomes/Follow-up:

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| <ul style="list-style-type: none">✓ WDNR explains that criteria are expected to be based on average daily traffic trips. Intent to focus on permanent sites where potential health based receptors will have prolonged exposure. Proposed rule will not apply to Heavy Duty Diesel Trucks that idle on exit/entrance ramps✓ WDNR actively seeking stakeholder input on exemptions for rule such as refrigerated trailers and Trucks equipped with Auxiliary Power Units✓ WisDOT will provide database of distribution centers throughout state to determine rule impact✓ Proposed Rule revision to apply statewide |
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Item: Progress on Evaluating the Legal Authority for Proceeding with NR 411 Rule Revision (Larry Bruss)
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Keypoints:

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| <ul style="list-style-type: none">• Stakeholders question need to further regulate HAPS when we already have NR 445 <p>Contention that WDNR lacks the statutory authority to regulate Mobile Sources through NR 411 Rule Revision</p> |
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Outcomes/Follow-up:

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| <ul style="list-style-type: none">✓ Mike Scott, WDNR Legal Staff, has already made a preliminary assessment that we have the statutory authority to proceed with proposed revisions to NR 411.✓ Tom Steidl and Mike Scott will develop formal written description of legal position |
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Item: DNR Proposal for Control of Construction Related Emissions for New Indirect Sources (Mike Friedlander)

Keypoints:

- All construction in Non Metropolitan Areas that include parking lots with capacity to accommodate 1,500 vehicles or 525,000 square feet of impervious surface devoted to the purpose of parking or maneuver.
- All construction in Metropolitan Areas that include parking lots with capacity to accommodate 1,000 vehicles or 350,000 square feet of impervious surface devoted to the purpose of parking or maneuver.
- All construction for distribution centers greater 10,000 square feet and forecasted to have 50 or more daily truck trips associated with operation
- Retrofit Off-Road Equipment with Diesel Oxidation Catalyst (DOC), 5 minute idle restriction for Off-Road Construction equipment, use of ultra low sulfur diesel (15 ppm) in Off-Road Construction Equipment
- Questions on DOC maintenance, durability, installation requirements
- Concern that idle restriction difficult to enforce when trucks are waiting to move on-site and that repeated on/off actuation will damage equipment starters
- Consideration for using the amount of time a piece of equipment was on site and/or pounds of pollutant per day as a threshold for retrofitting, in addition to the age of the piece of equipment.
- Discussion of menu of options for a permittee to choose from to meet the conditions of the permit, once the threshold is reached.
- Discussion of additional conditions applying in non attainment areas

Outcomes/Follow-up:

- ✓ WDNR will request representative from DOC manufacturer to make presentation to stakeholders
- ✓ WDNR to provide exemption/applicability language to stakeholders relative to idling restriction
- ✓ WDNR clarifies that this proposed rule will continue to apply statewide

Item: General Discussion (Group)**Keypoints:**

- Request detailed sector inventory information. What is the overall off-road segment?
- Request rule to specify ULSD specifications of 15 PPM instead of On-Road Diesel Fuel
- What are the cost differences between On-Road and Off-Road Diesel Fuel? Contractors have concerns with “carrying federal and state fuel tax debt” and would prefer to simplify process “up front” or eliminate rebate process
- Border contractor and competitiveness issues
- Proposed rule impact on leased equipment
- Newer equipment should be exempt from retro fit requirement
- WisDOT has set high goals for Disadvantaged Business Enterprises (DBE) participation. Economic impact to DBE for compliance could be detrimental.
- Average Diesel Oxidation Catalyst (DOC) for school bus was \$700, when bought in bulk. Somewhat higher cost anticipated for Off-Road DOC.

Outcomes/Follow-up:

- ✓ Off Road NOx represents approximately 20% of total statewide NOx emissions. Staff will prepare 2009 Inventory material for stakeholders at next meeting
- ✓ WDNR will request industry representative make presentation to stakeholders regarding DOC warranty, maintenance, reliability, installation requirements
- ✓ WDNR staff will research price differences between off-road and on-road diesel and investigate how other state’s mitigated issue
- ✓ Present stakeholders with EPA Emission Regulations for Off-Road Equipment

NEXT MEETING: Thursday, September 14, 9:30-Noon in Room 717

TOPIC: Off Road Construction/ Transportation Sector.